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LANSING

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ENROLLED BILL ANALYSIS

BILL NUMBER: SB 702

TOPIC: Revises Section 16174(3) of the Public Health Code that requires individuals applying for a health professional license or registration to undergo a criminal background check and submit fingerprints.

SPONSOR: Senator John Moolenaar

CO-SPONSORS: N/A

COMMITTEE: Senate Regulatory Reform Committee
House Health Policy Committee

DATE INTRODUCED: September 27, 2011

DATE ENROLLED: March 1, 2012

DATE OF ANALYSIS: March 5, 2012

ADMINISTRATION POSITION

The administration is in support of the legislation.

PROBLEM/BACKGROUND

PA 26 of 2006 (the original legislation that mandated health professional applicants to undergo a criminal background check and submit fingerprints) was signed into law on February 16, 2006. Section 16174(3) provided for the criminal background check/fingerprint submission to begin on May 1, 2006. However, due to software limitations that the Department of State Police had at that time in dealing with such an extremely large influx of criminal background checks/fingerprint requests for long-term care facilities, the Bureau of Health Professions had to delay the requirement for health professional licensure/registrant applicants. Federal funding was available to assist with new software development for the Long-Term Care Program so it took precedence. The Bureau of Health Professions did not require this as part of our licensure/registration application process until October 1, 2008.

Since that time, MDCH's Medicaid Program has been cited in several audits because certain health professional licensees and registrants that were randomly audited were not subject to the criminal background checks and fingerprinting requirement between the May 1, 2006 and September 30, 2008 time frame.

DESCRIPTION OF BILL

SB 702 is simply updating the language in Section 16174(3) to reflect the date when the Bureau of Health Professions began the criminal background check/fingerprint submission program from May 1, 2006 to October 1, 2008.

SUMMARY OF ARGUMENTS

Pro

This bill will eliminate the Medicaid Program from receiving further audit citations regarding health professional licensees/registrants who received reimbursement during the May 1, 2006 to October 1, 2008 time frame but did not undergo the criminal background check/fingerprint submission process as currently required by PA 26 of 2006. Licensees had to self-report actions taken so there were informal reviews conducted but this has not been sufficient for the Medicaid Program.

The bill will also clean up the language to accurately reflect when the program actually began based on extenuating factors that were out of the control of the Bureau of Health Professions.

Con

If we do not make this change, the Medicaid Program will continue to be cited for non-compliance with the law that we were prohibited from implementing.

FISCAL/ECONOMIC IMPACT

Are there revenue or budgetary implications in the bill to the –

(a) Department
Budgetary: None.

Revenue: None.

Comments:

(b) State
Budgetary: None.

Revenue: None.

Comments:

(c) Local Government

Comments: None.

OTHER STATE DEPARTMENTS

MDCH's Medicaid Program; Department of State Police.

ANY OTHER PERTINENT INFORMATION

ADMINISTRATIVE RULES IMPACT

None.